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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN LEE VARGEM,

Defendant.

No. CR 10-00729 EJD

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING AND
EXCLUDING TIME FROM July 18, 2011
through September 19, 2011

The Parties, Steven Lee Vargem and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for July 18, 2011 be continued to September 19, 2011 at 1:30 p.m. The defense and the government are jointly requesting this continuance due to unavailability of government counsel, as well as the need for additional time for settlement negotiations and effective defense preparation, as the government anticipates providing additional discovery to the defense.

The parties stipulate that the time between July 18, 2011 and September 19, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the

1 requested continuance would unreasonably deny the Government continuity of counsel, and
2 would unreasonably deny defense counsel reasonable time necessary for effective preparation,
3 taking into account the exercise of due diligence. Finally, the parties agree that the ends of
4 justice served by granting the requested continuance outweigh the best interest of the public, and
5 the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §§
6 3161(h)(7)(A) and (B)(iv).

7
8 Respectfully submitted,

9 DATED: July 14, 2011

MELINDA HAAG
United States Attorney

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12 /s/
BRADLEY D. PRICE
Special Assistant United States Attorney

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15 /s/
DONALD E. J. KILMER
Attorney for Defendant

~~PROPOSED~~ ORDER

Pursuant to agreement and stipulation of the parties and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter scheduled for July 18, 2011 is hereby continued to September 19, 2011 at 1:30 p.m. The Court FURTHER ORDERS that the time between July 18, 2011 and September 19, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the failure to grant the requested continuance would unreasonably deny the Government continuity of counsel, and would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: July 15, 2011


EDWARD J. DAVILA
United States District Judge